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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00164-01 RMW
	)	
Plaintiff,	)	
	)	UNITED STATES' SECOND MOTION FOR
v.	)	EXTENSION OF TIME TO FILE RESPONSE TO
	)	MOTION UNDER 18 U.S.C. § 3582(c)(2) AND
ROBERT JAMES ASCENCIO,	)	<b>□ ORDER</b>
	)	
Defendant.	)	
	)	

By order issued December 19, 2014, the Court directed the United States and Probation to advise the Court of the government's position on defendant Robert James Ascencio's motion under 18 U.S.C. § 3582(c)(2) by February 6, 2015. As of that date, Probation had not received all the materials necessary to formulate a position. Probation still has not obtained the necessary materials. In particular, Probation has delayed filing a response because it has not yet obtained Ascencio's records from the Bureau of Prisons. Because the United States generally follows Probation's recommendation on Section 3582(c)(2) motions, the United States seeks a second two-week extension, until March 6, 2015, to file its responses to Ascencio's request for relief.

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MOTION FOR CONTINUANCE  
NO. CR 05-00164-01 RMW

1 Ascencio will not be prejudiced by the requested continuance because under Guidelines Amendment  
2 782, the Court cannot grant relief that is effective before November 1, 2015. The Federal Public  
3 Defender, which is representing Ascencio, has no objection to this continuance.

4  
5 DATED: February 20, 2015.

Respectfully submitted,

6 MELINDA HAAG  
7 United States Attorney

8 /s/

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10 J. DOUGLAS WILSON  
Assistant United States Attorney

11  
12 It is ORDERED that the government's request for a two-week extension until March 6, , 2015, to  
13 file its response is hereby **GRANTED**.

14 DATED: ~~HEB~~

15  
16   
17 RONALD M. WHYTE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

ASCENCIO et al,

Defendant.

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Case Number: CR05-00164 RMW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 4, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

**Robert James Ascencio**  
10253-111  
Federal Correctional Complex  
PO Box 1034 Coleman II  
Coleman, FL 33521  
PRO SE

Dated: March 4, 2015

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk